

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 17, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 corrections.
- 4 Delete everything after the enacting clause and insert the
- 5 following:
- 6 "SECTION 1. IC 10-13-6-10, AS ADDED BY P.L.2-2003,
- 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2004]: Sec. 10. (a) This section applies to the following:
- 9 (1) A person convicted of a felony under IC 35-42 (offenses
- 10 against the person), IC 35-43-2-1 (burglary), **IC 35-43-2-1.5**
- 11 **(residential entry)**, or IC 35-42-4-6 (child solicitation):
- 12 (A) after June 30, 1996, whether or not the person is sentenced
- 13 to a term of imprisonment; and
- 14 (B) before July 1, 1996, if the person is held in jail or prison on
- 15 or after July 1, 1996.
- 16 (2) A person convicted of a criminal law in effect before October
- 17 1, 1977, that penalized an act substantially similar to a felony
- 18 described in IC 35-42 or IC 35-43-2-1 or that would have been an
- 19 included offense of a felony described in IC 35-42 or IC 35-43-2-1
- 20 if the felony had been in effect:
- 21 (A) after June 30, 1998, whether or not the person is sentenced
- 22 to a term of imprisonment; and
- 23 (B) before July 1, 1998, if the person is held in jail or prison on
- 24 or after July 1, 1998.
- 25 (b) A person described in subsection (a) shall provide a DNA sample
- 26 to the:

(1) department of correction or the designee of the department of correction if the offender is committed to the department of correction; or

(2) county sheriff or the designee of the county sheriff if the offender is held in a county jail or other county penal facility, placed in a community corrections program (as defined in IC 35-38-2.6-2), or placed on probation.

A convicted person is not required to submit a blood sample if doing so would present a substantial and an unreasonable risk to the person's health.

SECTION 2. IC 10-13-6-11, AS ADDED BY P.L.2-2003, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) The superintendent may issue specific guidelines relating to procedures for DNA sample collection and shipment within Indiana for DNA identification testing.

(b) The superintendent shall issue specific guidelines related to procedures for DNA sample collection and shipment by the county sheriff or designee of the county sheriff under **IC 31-37-19-12.5, IC 35-38-2-1.3, IC 35-38-2.6-4.3, and** section 10(b)(2) of this chapter. The superintendent shall provide each county sheriff with the guidelines issued under this subsection. A county sheriff shall collect and ship DNA samples in compliance with the guidelines issued under this subsection.

(c) The superintendent may delay the implementation of the collection of DNA samples under section 10(b)(2) of this chapter in one (1) or more counties until the earlier of the following:

(1) A date set by the superintendent.

(2) The date funding becomes available by grant through the criminal justice institute.

If the superintendent delays implementation of section 10(b)(2) of this chapter or terminates a delay under section 10(b)(2) of this chapter in any county, the superintendent shall notify the county sheriff in writing of the superintendent's action.

SECTION 3. IC 31-37-19-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 12.5. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be an offense under:**

**(1) IC 35-42-4 (sex crimes);**

**(2) IC 35-43-2-1 (burglary); or**

**(3) IC 35-42-2-1.5 (residential entry).**

**(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the child to provide a DNA sample to the county sheriff. A child is not required**

1        **to submit a blood sample if doing so would present a substantial and**

1       **an unreasonable risk to the child's health.**

2       **(c) The county sheriff shall collect and ship the DNA sample in**  
 3       **accordance with the guidelines described under IC 10-13-6-11.**

4       SECTION 4. IC 35-38-2-1.3 IS ADDED TO THE INDIANA CODE  
 5       AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 6       1, 2004]: Sec. 1.3. (a) This section applies to the following:

7           **(1) A person convicted of a felony under IC 35-42 (offenses**  
 8           **against the person), IC 35-43-2-1 (burglary), IC 35-43-2-1.5**  
 9           **(residential entry), or IC 35-42-4-6 (child solicitation):**

10           **(A) after June 30, 1996, whether or not the person is**  
 11           **sentenced to a term of imprisonment; and**

12           **(B) before July 1, 1996, if the person is held in jail or prison**  
 13           **on or after July 1, 1996.**

14           **(2) A person convicted of a criminal law in effect before**  
 15           **October 1, 1977, that penalized an act substantially similar to**  
 16           **a felony described in IC 35-42 or IC 35-43-2-1 or that would**  
 17           **have been an included offense of a felony described in IC 35-42**  
 18           **or IC 35-43-2-1 if the felony had been in effect:**

19           **(A) after June 30, 1998, whether or not the person is**  
 20           **sentenced to a term of imprisonment; and**

21           **(B) before July 1, 1998, if the person is held in jail or prison**  
 22           **on or after July 1, 1998.**

23       **(b) If the court places a person on probation under this chapter,**  
 24       **the court shall order the person to provide a DNA sample to the**  
 25       **county sheriff. A convicted person is not required to submit a blood**  
 26       **sample if doing so would present a substantial and an unreasonable**  
 27       **risk to the person's health.**

28       **(c) The county sheriff shall collect and ship the DNA sample in**  
 29       **accordance with the guidelines described in IC 10-13-6-11.**

30       SECTION 5. IC 35-38-2.6-4.3 IS ADDED TO THE INDIANA  
 31       CODE AS A NEW SECTION TO READ AS FOLLOWS  
 32       [EFFECTIVE JULY 1, 2004]: Sec. 4.3. (a) This section applies to the  
 33       following:

34           **(1) A person convicted of a felony under IC 35-42 (offenses**  
 35           **against the person), IC 35-43-2-1 (burglary), IC 35-43-2-1.5**  
 36           **(residential entry), or IC 35-42-4-6 (child solicitation):**

37           **(A) after June 30, 1996, whether or not the person is**  
 38           **sentenced to a term of imprisonment; and**

39           **(B) before July 1, 1996, if the person is held in jail or prison**  
 40           **on or after July 1, 1996.**

41           **(2) A person convicted of a criminal law in effect before**  
 42           **October 1, 1977, that penalized an act substantially similar to**  
 43           **a felony described in IC 35-42 or IC 35-43-2-1 or that would**  
 44           **have been an included offense of a felony described in IC 35-42**  
 45           **or IC 35-43-2-1 if the felony had been in effect:**

46           **(A) after June 30, 1998, whether or not the person is**  
 47           **sentenced to a term of imprisonment; and**

1           **(B) before July 1, 1998, if the person is held in jail or prison**  
 2           **on or after July 1, 1998.**

3           **(b) If the court places a person in a community corrections**  
 4           **program under this chapter, the court shall order the person to**  
 5           **provide a DNA sample to the county sheriff. A convicted person is**  
 6           **not required to submit a blood sample if doing so would present a**  
 7           **substantial and an unreasonable risk to the person's health.**

8           **(c) The county sheriff shall collect and ship the DNA sample in**  
 9           **accordance with the guidelines described under IC 10-13-6-11.**

10          **SECTION 6. [EFFECTIVE JULY 1, 2004] (a) IC 31-37-19-12.5, as**  
 11          **added by this act, applies only to a child whose dispositional decree**  
 12          **is entered after June 30, 2004.**

13          **(b) IC 35-38-2-1.3 and IC 35-38-2.6-4.3, both as added by this act,**  
 14          **apply only to a person sentenced after June 30, 2004."**

(Reference is to SB 17 as introduced.)

**and when so amended that said bill be reassigned to the Senate Committee on Judiciary.**

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GARTON

Chairperson